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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,701	04/12/2001	Tom Ren	REN,01B	5019
23508	7590	11/21/2006	EXAMINER	
LUNDEEN & DICKINSON, LLP			TRUONG, CAM Y T	
PO BOX 131144			ART UNIT	
HOUSTON, TX 77219-1144			PAPER NUMBER	
			2162	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/834,701

Applicant(s)

REN ET AL.

Examiner

Cam Y T. Truong

Art Unit

2162

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

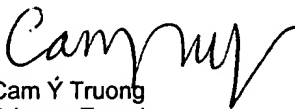
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-12, 17 and 19-28.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Cam Y Truong
Primary Examiner
Art Unit: 2162

Continuation of 11. does NOT place the application in condition for allowance because:

First, on page 13-16, applicant argued that the combination of Dean and Weinreich is improper to support a prima facie case of obviousness: motivation, reasonable expectation of success in so doing; prior art references must teach all the claim limitation; the combination art does not support an obviousness rejection".

In response: Examiner reposed to this argument on the previous office action.

Second, applicant argued that none of the prior arts teaches the claimed invention.

In response, Examiner's response to this arguemnt in the previous office action.

Third, on pages 11-12, applicant argued that rejections under 35 USC 103(a) for claims 27, 5, 20, 26 and 19 including a confusing an Indefinite reference to "Robertson".

As discussed in the previous office action,

a) Claims 24-25 and 27-28 are rejected under 103(a) as being unpatentable over Dean in view of Weinreich and Ramasubramani (6233577).

b) Claim 5 is rejected under 103(a) as being unpatentable over Dean in view of Weinreich and further in view of Champagne (US 6925477).

c) Claims 8, 10, 20, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dean in view of Weinreich and further in view of Ram et al (or hereinafter "Ram") (US 6625258).

d) Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dean et al (or hereinafter "Dean") (US 6182131) in view of Weinreich et al (or hereinafter "Weinreich") (US 6175831) and Ramasubramani et al (or hereinafter "Rama") (US 6233577) and further in view of Ram et al (or hereinafter "Ram") (US 6625258);

The name "Robertson" is a type error in the office action for claims 27, 5, 20, 26. As proved in the Office action, all of ground rejections for claims 5, 20, 22 and 27 are not involed the reference Robertson and the Robertson is not used to reject any limitation in these claims.

Finally, applicant argued that refusal to enter applicant's previously filed rule 132 declaration is Erroneous and All of other criteria used by the Examiner to refuse consideration of the Rule 132 Declaration are unwarranted.

In response: Examiner reposed this argument in the prvious office action.